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Filing date: **06/24/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91207895
Party	Defendant Virginia Polytechnic Institute and State University
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Date	06/24/2014
Attachments	STIPULATION WITHDRAWING MOTION TO COMPEL 06-24-2014.pdf(118369 bytes)

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HOKIE OBJECTIVE ONOMASTICS	:
SOCIETY LLC,	:
	:
Opposer,	:
	:
v.	:
	:
VIRGINIA POLYTECHNIC INSTITUTE	:
AND STATE UNIVERSITY,	:
	:
Applicant.	:
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Opposition No. 91207895

Serial No.: 85-531,923

WHEREAS, on March 25, 2014, Applicant, Virginia Polytechnic Institute and State University (“Applicant”), filed a motion to compel discovery seeking an order directing Opposer, Hokie Objective Onomastics Society LLC (“Opposer”), to respond to Applicant’s second set of interrogatories and requests for production of documents;

WHEREAS, on April 9, 2014, in lieu of filing a brief in opposition to Applicant's motion to compel, Opposer cross-moved to strike Applicant's affirmative defenses or in the alternative, for partial summary judgment on Applicant's affirmative defenses;

WHEREAS, on May 21, 2014, the Trademark Trial and Appeal Board issued an order:

(i) denying Opposer's motion to strike as untimely; (ii) denying without prejudice Opposer's motion for partial summary judgment as not germane to the discovery dispute that was the subject of Applicant's motion to compel; and (iii) directing Opposer to file a substantive response to Applicant's motion to compel within twenty (20) days—June 10, 2014;

WHEREAS, Opposer decided not to oppose Applicant's motion to compel and therefore did not file a brief in opposition to the motion on June 10, 2014; and

WHEREAS, Opposer has agreed that by no later than twenty days after Applicant's withdrawal of its motion to compel it shall serve full and complete written responses to Applicant's Second Interrogatories and Second Requests for Production of Documents and Things and all produce responsive documents, without objection, except that Opposer may interpose objections relating to attorney/client privilege and/or work product.

IT IS HEREBY STIPULATED AND AGREED TO, by and between counsel for Applicant and counsel for Opposer that:

1. Applicant hereby withdraws its pending motion to compel discovery, without prejudice; and

2. Opposer hereby agrees that by no later than twenty days after Applicant's withdrawal of its motion to compel it shall serve full and complete written responses to Applicant's Second Interrogatories and Second Requests for Production of Documents and Things and produce all response documents, without objection, except that Opposer may interpose objections relating to attorney/client privilege and/or work product.

Dated: June 24, 2014

Respectfully submitted,

THE CREEKMORE LAW FIRM PC

FOLEY & LARDNER LLP

By: 

Keith Finch, Esq.
THE CREEKMORE LAW FIRM PC
318 North Main Street
Blacksburg, VA 24060

*Attorney for Opposer Hokie Objective
Onomastics Society LLC*

By: 

Robert S. Weisbein, Esq.
FOLEY & LARDNER LLP
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*Attorney for Applicant Virginia Polytechnic
Institute and State University*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing STIPULATION WITHDRAWING APPLICANT'S MOTION TO COMPEL OPPOSER TO RESPOND TO APPLICANT'S SECOND INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS WITHOUT PREJUDICE, was served by first class mail with a courtesy copy by e-mail on this 24th day of June, 2014, to Opposer's correspondent of record as follows:

Keith Finch, Esq.
The Creekmore Law Firm PC
318 North Main Street
Blacksburg, VA 24060



WILLIAM S. WALKER, JR.